

HOUSE BILL 875

By Harwell

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to teacher licensure.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 1, is amended by adding Sections 2 through 10 of this act as a new, appropriately designated part.

SECTION 2. There is created a professional standards commission to work under the oversight of the commissioner of education.

SECTION 3.

(a) The professional standards commission shall assume all duties and responsibilities of the department of education with respect to the licensure of public school teachers. Any reference in Tennessee Code Annotated to duties or functions to be performed by the department of education or the commissioner of education with respect to the licensure of public school teachers shall be deemed to be a reference to the professional standards commission.

(b) As used in this part, unless the context otherwise requires, "teacher" includes all school personnel required by state law to be licensed on July 1, 2008, or thereafter.

SECTION 4.

(a) The members of the professional standards commission shall be appointed by the governor.

(b) The professional standards commission shall consist of a total of seventeen (17) members as follows:

(1) Six (6) licensed teachers, with at least one (1) teacher from each grand division of the state and at least one (1) teacher from each of the primary,

middle and secondary grade levels. One (1) of the six (6) teachers shall be nominated by the Tennessee Education Association;

(2) Three (3) licensed principals with at least one (1) principal from each grand division of the state. One (1) of the three (3) principals shall be nominated by the Tennessee Association of School Supervision and Administration;

(3) One (1) director of schools, who shall be nominated by the Tennessee Organization of School Superintendents;

(4) One (1) human resources director of an LEA;

(5) One (1) supervisor;

(6) Three (3) persons from institutions of higher education that prepare teachers for licensure. One (1) of the three (3) persons shall be nominated by the Tennessee Association of Colleges for Teacher Education;

(7) The commissioner of education, ex-officio, or the commissioner's designee; and

(8) The executive director of the state board of education, ex-officio, or the executive director's designee.

SECTION 5. A deputy commissioner of the department of education shall be appointed by the commissioner of education as the chief administrative officer of the professional standards commission. Such person shall be qualified by training and experience to assist the professional standards commission in its duties with respect to the licensure of public school teachers. The deputy commissioner shall report directly to the commissioner of education. The powers and duties of the deputy commissioner shall include, but not be limited to:

(1) Keeping written minutes of all meetings of the professional standards commission;

(2) Overseeing and administering licensure of teachers as directed by the professional standards commission;

(3) Conducting preliminary hearings and making investigations for the appeals council regarding any appeals from licensure decisions made by the professional standards commission;

(4) Preparing an annual report, approved by the professional standards commission and the state board of education, which shall be made available to the general assembly with appropriate information regarding teacher licensure, placement, employment and attrition. The report shall be submitted to the education committees of the senate and the house of representatives by October 15 of each year; and

(5) Studying and reporting to the professional standards commission on the licensure of teachers in other states.

SECTION 6. The deputy commissioner, with the approval of the commissioner of education, may employ personnel, either part-time or full-time, to assist in carrying out the provisions of this part or other duties that are assigned to the professional standards commission by law.

SECTION 7.

(a) There is created an appeals council to hear appeals of individuals from licensure decisions of the professional standards commission. The commissioner of education shall appoint the appeals council, which shall consist of no fewer than three (3) members and no more than five (5) members. At least one (1) member of the appeals council shall be a member of the state board of education. At least one (1) member of the appeals council shall be a representative of institutions of higher education that prepare teachers for licensure. At least one (1) member of the appeals council shall be a licensed teacher.

(b) The deputy commissioner, who is chief administrative officer of the professional standards commission, may with the approval of the commissioner of education, employ staff for the appeals council to perform administrative duties, including, but not limited to receiving appeals and scheduling appeals for hearing.

(c) The department of education, in conjunction with the state board of education, shall promulgate rules and regulations for conducting appeals of decisions of the professional standards commission. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in, title 4, chapter 5.

SECTION 8. The professional standards commission shall collect a fee for issuance of an initial teaching license in this state, but in no event shall the fee be more than two hundred dollars (\$200). The professional standards commission shall collect a fee for the renewal of a teaching license and the addition of endorsements, but in no event shall the fee be more than fifty dollars (\$50.00).

SECTION 9. The professional standards commission is authorized to establish fees prior to July 1, 2008, but no fees shall be collected by the commission until the commission begins to license teachers on July 1, 2008.

SECTION 10. The department of education is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 11. Sections 3 and 8 shall take effect July 1, 2008, the public welfare requiring it. All remaining sections of this act shall take effect on becoming a law, the public welfare requiring it.